HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 1062 (S/S) 2005

Shiv Prasad Sailwal,
S/o Sri Bisheshwar Prasad Sailwal,
C/o Sri S.P. Pandey,
Village Balesaur, Near G.I.C. Sukhraun,
Kotdwar, District Pauri Garhwal. ----Petitioner.

Vs.

1. State of Uttaranchal through Secretary,
   Education Uttaranchal Sashan, Dehradun,
2. Director of Education, Uttaranchal, Dehradun,
3. Regional Addl. Director of Education,
   Garhwal Region, Pauri,
4. District Education Officer,
   Pauri Garhwal, Pauri. ----Respondents.

Sri I.P. Gairola, learned counsel for the petitioner.
Learned Standing Counsel for State of Uttaranchal.

Hon'ble M.M. Ghildiyal, J.

Heard Sri I.P. Gairola, learned counsel for the petitioner and learned Standing Counsel for the State/respondents.

By means of this writ petition, the petitioner has challenged the transfer order dated 30.06.2005 passed by District Education Officer, Pauri Garhwal, Pauri by which the petitioner has been transferred from Junior High School, Birmoli Block Dwarikhal to Junior High School, Kandhikhal Block Dwarikhal.

Perusal of the transfer order dated 30.06.2005 reveals that it has been passed due to over staff working at Junior High School, Birmoli. The petitioner has submitted that there are only 5 teachers, including the Head Master, working at Birmoli. In Support of his contention, the petitioner has also filed the pay bill in respect of the aforesaid School for the month of

February 2005 paid in March 2005. it has further contended that by mistake of the office; a report was sent to the Authorities concerned to the effect that there are excess teachers in the school than the sanctioned strength. Consequent upon the report; the petitioner has been transferred.

Counsel for the petitioner has submitted that the petitioner has already moved a representation to the District Education Officer, Pauri Garhwal on 18th July 2005 which is annexure no. 4 to the writ petition and prayed that respondents' authorities may be directed to decide the same within a specified period.

In view of the aforesaid circumstances, the petitioner is directed to file a copy of the said representation, alongwith a certified copy of this order, before the District Education Officer, Pauri Garhwal within three days from today and the District Education Officer shall decide the representation by a reasoned order within a period of two weeks from the date of receipt of the representation and certified copy of this order. Till the decision is taken by the District Education Officer, the petitioner shall not be relieved from Junior High School, Birmoli, if he has not already been relieved.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

July 29, 2005
NCM: